

REMARKS

By the above action, claim 21 has been amended. In view of the action taken and the following remarks, further consideration of the present application is respectfully requested.

In the Office Action, the Examiner has rejected claim 30 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,568,827 to Walter (hereinafter "Walter"). This rejection is respectfully traversed.

The Walter patent (corresponding to DE 32 22 954 discussed in paragraph [0006] of the specification) is directed to an optoelectronic sensor device that has a first housing 11 and a second housing 12, both of which are external relative to each other, and where the second housing can be rotated relative to the first housing to enable emission or reception of light from different directions.

Claim 30 recites, an optical proximity switch comprising a housing, wherein an optics module and a separate electronics module are located *in* the housing, wherein the electronics module has all electronic components necessary for operating the optical proximity switch, wherein the optics module is pivotally mounted *in* the housing for rotation around a longitudinal axis thereof and wherein the electronics module is fixed *in* the housing. The Walter patent does not disclose or suggest this combination of features.

For example, Walter does not disclose a single housing in which both an optics module and a separate electronics module are located, as currently set forth in independent claim 30. Instead, Walter discloses a first housing part 11 and a second housing part 12, neither of which are located within the same housing. Instead, each of Walter's housing parts represents a **separate** housing joined by a clamping ring 35. Thus, Applicants respectfully submit that Walter does not disclose a housing wherein an optics module and a separate electronics module are located in the same housing. Accordingly, Walter cannot anticipate the present invention and therefore, Applicants respectfully request reconsideration and withdrawal of this rejection.

The Examiner has rejected claims 21-23, 25-29 and 31-33 under 35 U.S.C. §103(a) as being unpatentable over the Walter patent when viewed in combination with U.S. Patent No. 4,173,717 to Lederer (hereinafter "Lederer"). This rejection is also respectfully traversed.

Claim 21 recites, *inter alia*, an optical proximity switch with a housing, wherein an optics module and a separate electronics module are located in the housing, wherein the

electronics module has all electronic components necessary for operating of the optical proximity switch. Applicants submit that Walter does not teach *a* housing in which *both* an optics module and a separate electronics module are located, for the reasons discussed above with respect to independent claim 30.

Additionally, Applicants respectfully submit that Walter does not disclose that the optics module comprises an engagement device, located within the housing, as now recited in independent claim 21, nor does Walter show the universal coupling 35 within either the first housing part 11 or the second housing part 12. In fact, the universal coupling 15, indicated in the Office Action as corresponding to the claimed engagement device, is located between housing part 11 and housing part 12. Thus, Applicants respectfully submit that Walter does not disclose or suggest this feature.

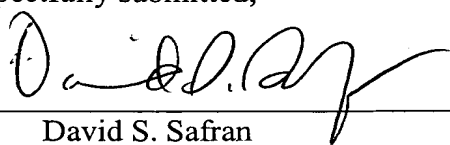
The Lederer patent, used in support of the Walter patent in the rejection of the claims, does not solve the deficiencies of Walter. As discussed in previous responses, Lederer discloses an optical assembly comprising a spherically shaped optical module mounted in a housing known as an “electric eye” system. Lederer does not teach or suggest separating the optics module and the electronics module, wherein the electronics module has all electronic components necessary for operating the optical proximity switch. Lederer only discloses one optical assembly comprising an optical module, which itself includes some electronic components.

Furthermore, Applicants respectfully submit that the flexible support 40 including small tabs 46 of Lederer, previously indicated as teaching the claimed engagement device, also does not solve the deficiencies of Walter since the optical module 30 of Lederer does not contain an engagement device by which the optics module is attached *within the housing*.

Finally, Applicants respectfully submit that, based on the teachings of Lederer and Walter, one of ordinary skill in the art would not have been taught how to or have been motivated to combine their features so as to achieve a device as recited in claims 21-23, 25-29 and 31-33. In particular, Applicants respectfully submit that at least based on the distinctions noted above and the additional feature(s) recited therein, claims 21-23, 25-29 and 31-33 are not rendered obvious by an reasonable combination of the Walter and Lederer disclosures so that withdrawal of the rejection of claims 21-23, 25-29 and 31-33 are in order and are now requested.

While the present application should now be in condition for allowance, if any issues remain unresolved or any new issues arise and the Examiner believe that such could be resolve through discussions with Applicants' representative, the Examiner is requested to contact the undersigned by telephone at the telephone number listed below in order that the further progress of this application might thereby be expedited.

Respectfully submitted,

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